

Group II. Claims 22-24, drawn to inlet holes for sound for a microphone wherein the inlet holes for sound are dimensioned according to a required directionality.

In response to the Examiner's restriction/election requirement, Applicant elects, with traverse, to prosecute Group I including claims 1, 3, 5-8, 10, 12-14, 16 and 18-21. Applicant specifically reserves the right to file a divisional application directed to non elected claims 22-24.

With respect to Applicant's traversal, Applicant respectfully directs the Examiner's attention to M.P.E.P. § 803 which states:

"If the search and examination of an entire application can be made without serious burden, the Examiner must examine on the merits, even though it includes claims too distinct or independent invention." (emphasis added)

There are two criteria for a proper requirement for restriction. The invention should be independent or distinct, and

"2) there must be a serious burden on the Examiner if a restriction is not required. See M.P.E.P. §803.092, 806.04 A through J, 808.01(a) and 808.02."

Applicant respectfully submits that the Examiner would not be unduly burdened if forced to examine Group II. **In fact, the Examiner has already established there is no undue burden by examining all of claims 1, 3, 5-8, 10, 12-14, 16 and 18-24 in the Office Actions dated April 14, 2004 and January 13, 2005.**

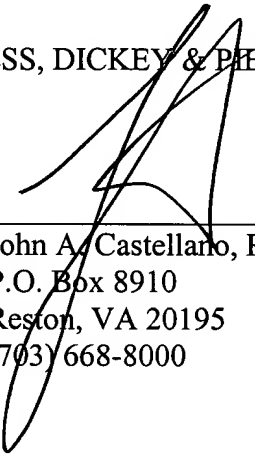
For all of the above stated reasons, reconsideration and withdrawal of the outstanding restriction/election requirement and favorable allowance of all claims in the instant application are earnestly solicited.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By

  
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